

**Notice of Allowability**

Application No.

09/839,974

Examiner

Cam Y T Truong

Applicant(s)

SCHWARTZ ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.


1. ☒ This communication is responsive to 1/14/2005.
2. ☒ The allowed claim(s) is/are 1-22, 24 and 25.
3. ☒ The drawings filed on 20 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**SHAHID ALAM**  
**PRIMARY EXAMINER**

### **DETAILED ACTION**

1. Applicant has amended claims 1, 14, 23 and 25 and canceled claim 24 in the amendment filed on 1/14/2005. Claims 1-23 and 25 are pending in this Office Action.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Bruce S. Itchkawitz, Registration No. 47,677 on 2/16/2005.

In the claim: Please replace original claims 1, 14, 23 and 25 with amended claims 1, 14, 23 and 25.

1. (Currently Amended) A method of selecting user-preferred programs from a plurality of programs to be viewed or stored using a memory of an audio/video apparatus, the method comprising:  
obtaining a first set of user-defined criteria for identifying preferred program attributes from user input, the preferred program attributes including attributes which a program must have in order to be of interest to the user;

obtaining a second set of user-defined criteria for identifying non-preferred program attributes from user input, the non-preferred program attributes including attributes which a program must not have in order to be of interest to the user; accessing a first database that includes program information describing the plurality of programs through program attributes, the plurality of programs including at least one undesirable program having at least one preferred program attribute in combination with at least one non-preferred program attribute; and sorting through the first database using the first set of user-defined criteria and the second set of user-defined criteria to select programs that have the preferred program attributes and that do not have the non-preferred program attributes, the at least one undesirable program excluded from the selected programs.

14. (Currently Amended) An audio/video apparatus for selecting programs from a plurality of programs included in a database, the plurality of programs comprising at least one undesirable program having at least one preferred program attribute and having at least one non-preferred program attribute, the apparatus comprising:
- a memory to receive and to store program information describing the plurality of programs through program attributes;
  - a source of user-defined criteria, wherein the user-defined criteria comprise:

a first set of user-defined criteria which identify preferred program attributes from user input, the preferred program attributes including attributes which a program must have in order to be of interest to a user; and

a second set of user-defined criteria which identify non-preferred program attributes from user input, the non-preferred program attributes including attributes which a program must not have in order to be of interest to the user;

and a preference module configured to sort through the program information to select programs, the program attributes of each selected program having at least one of the preferred program attributes identified by the first set of user-defined criteria and not having any of the non-preferred program attributes identified by the second set of user-defined criteria, the at least one undesirable program excluded from the selected programs.

23. (Currently Amended) A method of selecting programs from a plurality of programs to be viewed or stored using a memory of an audio/video apparatus, the method comprising:

obtaining a first set of user-defined criteria for identifying preferred program attributes from user input, the preferred program attributes including attributes which a program must have in order to be of interest to a user;

obtaining a second set of user-defined criteria for identifying non-preferred program attributes from user input, the non-preferred program attributes including attributes which a program must not have in order to be of interest to the user;

accessing a first database that includes program information describing the plurality of programs through program attributes, the plurality of programs comprising at least one desirable program having at least one preferred program attribute identified by the first set of user-defined criteria and not having any non-preferred program attributes identified by the second set of user-defined criteria, the plurality of programs further comprising at least one undesirable program having at least one preferred program attribute and having at least one non-preferred program attribute;

comparing the program attributes of the desirable program and the undesirable program to the preferred program attributes;

comparing the program attributes of the desirable program and the undesirable program to the non-preferred program attributes; and

selecting programs from the plurality of programs, each selected program having program attributes which include at least one of the preferred program attributes identified by the first set of user-defined criteria and which do not include any of the non-preferred program attributes identified by the second set of user-defined criteria, wherein the selected programs include the desirable program and exclude the undesirable program.

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25. (Currently Amended) A method of selecting programs from a plurality of programs to be viewed or stored using a memory of an audio/video apparatus, the method comprising:

obtaining a first set of user-defined criteria from user input which define at least one required program attribute corresponding to an attribute which a program must have in order that the program be of interest to the user;

obtaining a second set of user-defined criteria from user input which define at least one barred program attribute corresponding to an attribute which a program must not have in order that the program be of interest to the user;

accessing a first database that includes program information regarding the plurality of programs, each program having one or more program attributes which describe the program, the plurality of programs comprising at least one undesirable program having at least one required program attribute defined by the first set of user-defined criteria and having at least one barred program attribute defined by the second set of user-defined criteria; and

identifying a selected set of programs of interest to the user, each program of the selected set of programs having the required program attribute defined by the first set of user-defined criteria and not having the barred program attribute defined by the second set of user-defined criteria, the at least one undesirable program excluded from the selected set of programs.

***Allowable Subject Matter***

3. Claims 1-23 and 25 are allowed.

The prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in independent claims 1 and 14, wherein "obtaining a second set of user-defined criteria for identifying non-preferred program attributes from user input, the non-preferred program attributes including attributes which a program must not have in order to be of interest to the user; sorting through the first database using the first set of user-defined criteria and the second set of user-defined criteria to select programs that have the preferred program attributes and that do not have the non-preferred program attributes, the at least one undesirable program excluded from the selected programs"; and

The prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in independent claims 23 and 25 "obtaining a second set of user-defined criteria from user input which define at least one barred program attribute corresponding to an attribute which a program must not have in order that the program be of interest to the user; identifying a selected set of programs of interest to the user, each program of the selected set of programs having the required program attribute defined by the first set of user-defined criteria and not having the barred program attribute defined by the

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second set of user-defined criteria, the at least one undesirable program excluded from the selected set of programs”.

The dependent claims, bring definite, further limiting, and fully enabled by the specification are also allowed.



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***Contact Information***


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T Truong whose telephone number is (571) 272-4042 . The examiner can normally be reached on Monday to Firday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cam-Y Truong

2/16/2005

  
**SHAHID ALAM**  
**PRIMARY EXAMINER**